

3 FAM 1800

FAMILY ADVOCACY PROGRAM

3 FAM 1810

FAMILY ADVOCACY PROGRAM (CHILD ABUSE, CHILD NEGLECT, AND DOMESTIC VIOLENCE)

(CT:PER-693; 05-20-2013)
(Office of Origin: HR/ER/WLD)

3 FAM 1811 GENERAL PROVISIONS

3 FAM 1811.1 Purpose

(CT:PER-668; 02-28-2012)
(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. The purpose of the Department's Family Advocacy Program is to prevent and to respond effectively to suspected child abuse, child neglect, and domestic violence involving Department employees and all persons subject to chief-of-mission (COM) authority at posts abroad, including other locally employed staff.
- b. Child abuse, child neglect, and domestic violence all harm the overall quality of life for employees and their spouses, children, and families stationed at posts abroad and, consequently, can affect diplomatic readiness. The Family Advocacy Program addresses child abuse, child neglect, and domestic violence through prevention, training, reporting, investigation, evaluation, intervention, coordination with prosecutors, and child protection agencies, treatment, and rehabilitation.
- c. These regulations generally provide guidance and assign responsibility for coordinated handling of suspected cases of child abuse, child neglect, and domestic violence as defined herein. Additionally, these regulations specifically state the statutory reporting requirement for personnel in certain professions to report suspected child abuse as required under the Victims of Child Abuse Act of 1990, Public Law 101-467, codified at 42 U.S.C. 13031.
- d. It is Department policy to treat suspected child abuse, child neglect, and

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domestic violence in accordance with these regulations and to:

- (1) Help victims when abuse occurs;
 - (2) Provide assistance in the prosecution of criminal acts when they have been found to have occurred (child abuse, assault, and rape are crimes); and
 - (3) Provide assistance to family members involved as appropriate to promote a healthy family life for its employees and those subject to COM authority.
- e. It is also the Department's policy that information on suspected child abuse, child neglect, and domestic violence will be disclosed only on a need-to-know basis within the Department and other Federal and local agencies consistent with the Privacy Act.

3 FAM 1811.2 Applicability

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. These regulations apply to:
- (1) All Department employees: For purposes of these regulations, persons under personal-service contracts (PSCs) or personal-service agreements (PSAs) with the Department are deemed to be employees of the Department; and
 - (2) All other persons subject to chief-of-mission (COM) authority at a post abroad (including, but not limited to, employees of the U.S. Government and their family members).
- b. Generally, locally employed staff at posts and missions abroad are employed consistent with local laws and regulations. With respect to these employees, these regulations should be interpreted and applied consistently with the applicable local laws and regulations.
- c. In addition, the procedures in cases involving locally employed staff will take into account local law as well as the cultural and social norms in a particular country to include the assistance of local authorities, mechanisms, and resources that may exist. Seek guidance from the family advocacy committee in cases involving locally employed staff. The committee will consult with the Office of Human Resources/Overseas Employment (HR/OE) when necessary in such cases.

3 FAM 1811.3 Authority

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally

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Employed Staff)

This regulation is issued under the following statutory authorities:

- (1) Sections 206, 207, and 904 of the Foreign Service Act of 1980, as amended (22 U.S.C. 3926, 22 U.S.C. 3927, 22 U.S.C. 4084);
- (2) Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031);
- (3) 22 U.S.C. 4802, as amended;
- (4) Executive Order 10450; and
- (5) 18 U.S.C. 2258;
- (6) 28 CFR 81.1 et seq.; and
- (7) 22 U.S.C. 2709.

3 FAM 1811.4 Definitions

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. Child abuse (as defined in the Victims of Child Abuse Act of 1990) means the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child:
 - (1) Physical injury includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe bruising, or serious bodily harm;
 - (2) Mental injury means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal, or outward aggressive behavior, or a combination of those behaviors, which may be demonstrated by a change in behavior, emotional response, or cognition;
 - (3) Sexual abuse includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children;
 - (4) Sexually explicit conduct means actual or simulated:
 - (a) Sexual intercourse including sexual contact in the manner of genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between persons of the same or opposite sex; sexual contact means the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse, or gratify sexual desire of any person;

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- (b) Bestiality;
 - (c) Masturbation;
 - (d) Lascivious exhibition of the genitals or pubic area of a person or animal;
 - (e) Sadistic or masochistic abuse; or
 - (f) Unlawful penetration with an object;
 - (5) Exploitation means child pornography or child prostitution;
 - (6) Negligent treatment means the failure to provide for reasons other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of the child; and
 - (7) Child abuse does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.
- b. Child neglect is the negligent treatment of a child by a person who is responsible for the child's welfare (parent, guardian, or custodian). (It does not rise to the level of abuse.) Such negligent treatment includes but is not limited to:
- (1) The failure to provide for the proper education of a child as required by U.S. law or local law in the case of locally employed staff;
 - (2) The failure to provide for subsistence, care, or control necessary for a child's physical, mental, developmental, or emotional health; or
 - (3) The failure to supervise a child adequately (such as a child who is habitually truant from school without justification, or who is habitually disobedient of reasonable and lawful commands of his or her parents, guardian, or other custodian, or who is engaging in the permissive use of alcohol or drugs where such actions are endangering the child's welfare or disrupting the post community).
- c. Child means a person under the age of 18 years.
- d. Domestic violence is any act or threat of imminent violence against a victim (other than a child) that results or threatens to result in physical or mental injury to the victim that is committed by a:
- (1) Spouse or former spouse of the victim;
 - (2) Person with whom the victim shares a child in common;
 - (3) Person who is co-habiting with or has co-habited with the victim;
 - (4) Person residing in the household; or
 - (5) Any person who has a relationship with the victim and has access to the victim's household.

3 FAM 1812 RESPONSIBILITIES

3 FAM 1812.1 General

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

The Department employs a multi-disciplinary team approach in child abuse, child neglect, and/or domestic violence cases. Multi-disciplinary in this context refers strictly to the combination of disciplines (investigative, medical, and legal) to respond to these cases. Responsibilities are team-oriented both at Department headquarters (to include the Office of Medical Services [MED]; Bureau of Diplomatic Security [DS]; and Office of the Legal Adviser [L]; and at post (to typically include the deputy chief of mission [DCM], regional security officer [RSO], and the Foreign Service medical officer [FSMO]). The purpose of the multi-disciplinary team approach is to:

- (1) Promote the most effective and comprehensive response available in suspected cases of child abuse or neglect;
- (2) Minimize the number of interviews to which a child or other victim is subjected;
- (3) Provide needed services to a child or other victim; and
- (4) Monitor the child's or victim's safety and well-being.

3 FAM 1812.2 Within the Department

3 FAM 1812.2-1 Office of Medical Services (MED)

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

The Office of Medical Services (MED) is responsible for:

- (1) Coordinating consultations with the Bureau of Diplomatic Security (DS) and posts abroad on suspected abuse, neglect, and domestic violence cases;
- (2) Providing medical and mental health evaluations and medical advice, to make referrals to other professionals, as necessary;
- (3) Authorizing medical evacuations, when necessary;
- (4) Maintaining a family advocacy case-file system;
- (5) Participating in training programs about the Family Advocacy Program; and

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- (6) Making medical clearance determinations.

3 FAM 1812.2-2 Bureau of Human Resources (DGHR)

(CT:PER-668; 02-28-2012)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

The Bureau of Human Resources (DGHR) is responsible for:

- (1) Providing appropriate training for chiefs of mission, deputy chiefs of mission, and principal officers about responsibilities under the Victims of Child Abuse Act of 1990, the requirements of these regulations, and their responsibilities for ensuring that suspected child abuse, child neglect, and domestic violence cases are reported and handled in accordance with these regulations; and
- (2) Taking appropriate disciplinary action when necessary in accordance with 3 FAM 4320.

3 FAM 1812.2-3 Bureau of Diplomatic Security (DS)

(CT:PER-668; 02-28-2012)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

The Bureau of Diplomatic Security (DS) is responsible for:

- (1) Receiving reports of suspected child abuse from posts and from Department employees;
- (2) Conducting investigations of reports of suspected child abuse, child neglect, and domestic violence at posts abroad;
- (3) Conferring with the U.S. Attorney's office on cases involving possible prosecution;
- (4) Conducting investigations relating to suitability for employment; and
- (5) Providing training to regional security officers (RSOs) and assistant regional security officers (ARSOs) on family advocacy-related matters.

3 FAM 1812.2-4 Family Advocacy Committee

(CT:PER-693; 05-20-2013)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

- a. The Family Advocacy Committee at Department headquarters is a multi-

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disciplinary team composed of representatives from the Office of Medical Services (MED), specifically, the Office of Mental Health Services (MED/MHS), the Bureau of Diplomatic Security (DS) including its *Special Investigations Division* (DS/ICI/*SID*), and the Office of the Legal Adviser (L).

b. The Family Advocacy Committee is responsible for:

- (1) Discussing reported information received from posts on family advocacy cases;
- (2) Coordinating appropriate guidance to posts through their respective counterparts, (e.g., MED/MHS to Foreign Service medical officer (FSMO), DS to regional security officer (RSO)); and
- (3) Overseeing the provision of needed services to the child, spouse, or other family member victim(s) and monitoring the safety and well-being of the child and/or victim throughout the time that the case is open.

3 FAM 1812.3 At Post

3 FAM 1812.3-1 Chief of Mission (COM) or Principal Officer (PO)

(CT:PER-668; 02-28-2012)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

The chief of mission (COM) or principal officer (PO) at each post is responsible for:

- (1) Ensuring that procedures established by these regulations are followed and that persons who are assigned to the post comply with the Victims of Child Abuse Act of 1990; and
- (2) Designating a family advocacy officer (FAO), at post, normally the deputy chief of mission (DCM), or the second-in-command at posts where there is no DCM.

3 FAM 1812.3-2 Family Advocacy Officer (FAO)

(CT:PER-668; 02-28-2012)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

The family advocacy officer (FAO) is responsible for:

- (1) Leading the family advocacy team at post;
- (2) Coordinating all post action with the regional security officer (RSO) and the Foreign Service medical officer (FSMO) and making sure that initial

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suspected child abuse reports, and appropriate follow-up reports, are submitted without delay to the Bureau of Diplomatic Security (DS) and the Office of Medical Services (MED); and

- (3) Receiving and acting upon reports of suspected child neglect and domestic violence.

3 FAM 1812.3-3 Foreign Service Medical Officer (FSMO)

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. The Foreign Service medical officer (FSMO) may be the regional medical officer (RMO), regional medical officer psychiatrist (RMO/P), Foreign Service health practitioner (FSHP) (either a nurse practitioner or physician's assistant), or a contract physician or nurse. FSMOs are required by law to report suspected child abuse of which they have knowledge. FSMOs are responsible for:
 - (1) Making such reports to the regional security officer (RSO);
 - (2) Informing and providing a detailed written report to the Office of Mental Health Services (MED/MHS) via secure email or facsimile with all relevant medical information as soon as possible (normally within 24 hours);
 - (3) Reporting suspected child neglect and domestic violence to the family advocacy officer (FAO) at post;
 - (4) Providing treatment to those in need of immediate medical or psychiatric care;
 - (5) Assisting the Office of Medical Services (MED) or the Bureau of Diplomatic Security (DS), as necessary, in obtaining information pertaining to any suspected case of abuse, neglect, or domestic violence; and
 - (6) Assisting in the assessment of suspected cases of child abuse, child neglect, or domestic violence.

3 FAM 1812.3-4 Regional Security Officer (RSO)

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

The regional security officer (RSO) is a Federal law enforcement official. You must report all suspected child abuse at post to the cognizant RSO as required by the Victims of Child Abuse Act of 1990. The RSO is responsible for:

- (1) Making the required initial telephonic report followed by a detailed written report to the *Special Investigations* Division (DS/ICI/*SID*) as soon as

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possible (normally within 24 hours);

- (2) Ensuring that the family advocacy officer (FAO) and the Foreign Service medical officer (FSMO) are informed promptly of all cases of suspected child abuse;
- (3) Conducting or coordinating any investigative activities of cases of child abuse and domestic violence based upon instructions provided by DS/ICI/*SID*, except in exigent circumstances; and
- (4) Investigating child neglect and domestic violence cases.

3 FAM 1812.3-5 Family Advocacy Team

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

The family advocacy team at post is composed of the family advocacy officer (FAO), Foreign Service medical officers (FSMOs), and the regional security officer (RSO). Other persons may be included on the family advocacy team on a case-by-case basis at the discretion of the FAO, following consultation with the other members of the team. The family advocacy team at post is responsible for:

- (1) Meeting promptly after any initial report of suspected child abuse, child neglect, or domestic violence, to address safety issues;
- (2) Coordinating actions, and ensuring that all necessary reporting and information is provided to the Department;
- (3) Continuing to monitor the child's or victim's safety and well-being throughout the investigative process at post; and
- (4) Assisting in the provision of needed services for the child and/or victim in coordination with the Family Advocacy Committee in Washington, DC.

3 FAM 1813 GENERAL PROCEDURES IN CASES OF CHILD ABUSE

3 FAM 1813.1 Persons Required to Report Child Abuse

(CT:PER-668; 02-28-2012)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. Under the Victims of Child Abuse Act of 1990, any individual who, while engaged on Federal land or in a Federally-operated or contracted facility in one

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of the professional capacities listed herein, learns of facts that give reason to suspect that a child has suffered an incident of child abuse is required to report the suspected child abuse as soon as possible to the regional security officer (RSO) or to the Bureau of Diplomatic Security (DS). The professional capacities include:

- (1) All health care personnel, including physicians and nurses;
 - (2) Psychologists, psychiatrists, and other mental health professionals;
 - (3) Social workers and counselors;
 - (4) Teachers, teachers' aides, and other school professionals;
 - (5) Child care workers and administrators;
 - (6) Law enforcement personnel;
 - (7) Foster parents; or
 - (8) Commercial film and photo processors.
- b. At U.S. embassies, consulates, and any other Department facilities abroad, individuals in various positions listed herein are required to report suspected child abuse. These positions are:
- (1) Regional medical officer (RMO);
 - (2) Regional medical officer/psychiatrist (RMO/P);
 - (3) Foreign Service nurse practitioner (FSNP) (both nurse practitioners and physicians' assistants);
 - (4) Contract physicians and contract nurses;
 - (5) Regional security officer (RSO) and assistant regional security officer (ARSO);
 - (6) Community liaison officer (CLO);
 - (7) Legal attaché (LEGATT); and
 - (8) Other law enforcement officers assigned to post (including those from the Drug Enforcement Administration [DEA], Bureau of Alcohol, Tobacco, Firearms, and Explosives [ATF], U.S. Customs and Border Protection, U.S. Secret Service, U.S. Citizenship and Immigration Services [USCIS], or U.S. Immigration and Customs Enforcement [ICE]).
- c. Any other individual, performing in any of the listed professional capacities, on Federal land or in a Federally-operated or contracted facility, whether at Department facilities in the United States or at a post abroad, also must report suspected child abuse to the RSO or DS as provided 3 FAM 1813.2.
- d. Covered individuals at post, as described in paragraphs a through c of this section, must report suspected child abuse while working in their professional capacity on Federal land or in a Federally-operated and contracted facility, regardless of whether the suspected child abuse occurred at the post or another

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post abroad, or in the United States.

- e. Covered individuals are to report any suspected child abuse without making the determination themselves whether child abuse has in fact occurred.
- f. Failure to report suspected child abuse under the Victims of Child Abuse Act in a timely manner is a criminal violation of Federal law (Class B misdemeanor under 18 U.S.C. 2258) and may subject an employee to possible criminal prosecution and/or disciplinary action.
- g. Good-faith reporting of suspected child abuse is immune from civil and criminal liability under the Victims of Child Abuse Act of 1990.

3 FAM 1813.2 Procedures for Reporting Child Abuse

3 FAM 1813.2-1 At Post

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. Informing the Bureau of Diplomatic Security (DS): Covered individuals at post who are required by law to report suspected child abuse, or other persons who have knowledge of suspected child abuse, must make such reports to the regional Security officer (RSO) at post:
 - (1) If there is no resident regional security officer (RSO) at post, the post security officer (PSO) or family advocacy officer (FAO) will advise the cognizant RSO by secure means immediately. In no case must a person report suspected child abuse to the alleged perpetrator. Thus, in the situation where the report would be made to the individual who is the alleged perpetrator, then the report should be made to his or her supervisor or directly to DS; and
 - (2) Posts (the RSO, or in certain circumstances, the FAO) must make initial reports of child abuse allegations telephonically to the *Special Investigations* Division (DS/ICI/*SID*), via secure lines when possible, immediately following receipt of information. This initial telephonic report is essential to prevent the loss of evidence required for a successful criminal prosecution. Within 24 hours of the initial telephonic contact, the RSO must provide an initial telegraphic report to DS via DS Exclusive Channel message. The names of the victim(s) and alleged perpetrator(s) should not be reported in cable traffic unless otherwise requested by DS. All reporting should be done in such a manner as to ensure the utmost confidentiality of all persons involved. The reporting format that should be used is found at 12 FAH-4 H-452.6-7 (classified section). As much detailed information as possible should be included in the initial telephonic and telegraphic reports to DS. Reporting, however, should not be delayed due

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to the unavailability of full details. Supplemental reports must be submitted as additional information becomes available. Posts will not be deemed to have fully complied with the Victims of Child Abuse Act until DS has received written notification of the allegations.

- b. Informing the family advocacy officer (FAO): An RSO or PSO who receives a report of suspected child abuse also will immediately inform the FAO at the post where the abuse was alleged to have occurred if either the alleged perpetrator or the alleged victim is still at the post where the incident was reported. The FAO will be responsible for informing the COM or principal officer of the allegations of child abuse on a need-to-know basis, unless the COM or principal officer is the alleged perpetrator. The FAO coordinates the initial meeting of the Family Advocacy Team at post, ensuring that the matter is handled using a team approach.
- c. Coordinating with the Foreign Service medical officer (FSMO): An RSO who receives a report of suspected child abuse will also inform the FSMO. The FSMO must provide any and all relevant medical information pertaining to the suspected child abuse to MED normally within 24 hours of the initial telephonic report.

3 FAM 1813.2-2 In the United States

(CT:PER-693; 05-20-2013)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

Individuals at the Department must report suspected child abuse to the *Special Investigations* Division (DS/ICI/*SID*) in Washington, DC. Investigations of child abuse occurring in the United States are the responsibility of State and local law enforcement authorities. DS/ICI/*SID* will monitor the investigation and report the findings to the Office of Employee Relations in the Bureau of Human Resources (HR/ER) and the Office of Personnel Security and Suitability in the Bureau of Diplomatic Security (DS/SI/PSS) for adjudication and/or discipline against any employee suspected of child abuse.

3 FAM 1813.2-3 Confidentiality of Reported Information

(CT:PER-693; 05-20-2013)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)*

Disclosure of reported information will be made only on a need-to-know basis within the Department and with other Federal and local agencies, in accordance with the Privacy Act. The Office of Medical Services (MED) and the *Special Investigations* Division (DS/ICI/*SID*) must share the telephonic and telegraphic

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reports and other information with each other and the Office of the Legal Adviser (L) as a part of the Family Advocacy Committee process under 3 FAM 1813.4.

3 FAM 1813.3 Investigation of Allegations of Child Abuse and Post Action Pending Investigation

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. Case-by-case basis: Each suspected case of abuse is different and will be handled on a case-by-case basis, depending upon the nature of the allegations, post resources, and other agency involvement.
- b. Evaluating immediate health and/or safety: At post, the family advocacy officer (FAO), in consultation with the family advocacy team, must immediately assess the child's immediate medical and physical safety needs. The Foreign Service medical officer (FSMO) should provide for medical treatment, if necessary. The FAO, in consultation with the FSMO and regional security officer (RSO), must determine whether it is safe for the child to return to the home and whether there is risk of further harm. If further risk exists, a plan must be drafted to address these safety concerns (including alternative housing arrangements). The FAO then must advise the Family Advocacy Committee of the health and safety situation at post.
- c. Bureau of Diplomatic Security (DS) investigation: If the alleged abuse occurred at a post abroad, DS initiates a formal investigation promptly. The *Special Investigations* Division (DS/ICI/*SID*) coordinates all aspects of the formal investigation through the RSO or assistant regional security officer (ARSO) in order to minimize the number of interviews and interviewers to which the child is subjected and to avoid the risk of suggestibility in the interview process tainting a potential criminal prosecution. The victim(s), suspect(s), or the family of the victim(s) should not be subjected to a formal interview or interrogation regarding the allegations of child abuse by any persons at post, unless DS/ICI/*SID* clears such action in advance. During any formal interview, the suspect must be informed of his or her right to have a representative of his or her choice present during the interview.
- d. Curtailment and/or medical evacuation: An alleged victim of child abuse, his or her family, and the alleged perpetrator, should not be curtailed or medically evacuated from post prior to coordination with the Family Advocacy Committee, and the prior approval of DS/ICI/*SID* and the Office of Medical Services (MED). An uncoordinated or premature removal could place the victim at greater risk and jeopardize the criminal investigation.
- e. In the United States: If DS/ICI/*SID* receives a report of suspected child abuse that is occurring or has occurred in the United States, DS informs the proper

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law enforcement authorities.

- f. Other Agencies: If the alleged perpetrator is an employee of another Federal agency or a family member of such an employee, DS/ICI/*SID* informs the appropriate entity within that agency and coordinates an investigative course of action.

3 FAM 1813.4 Family Advocacy Committee Procedures in Cases of Suspected Child Abuse

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. The Family Advocacy Committee may receive reports of suspected child abuse. The Family Advocacy Committee will use those reports, along with further input from post, to provide guidance to the family advocacy team. Following receipt of child abuse allegations or information, the *Special Investigations* Division (DS/ICI/*SID*), in consultation with the other members of the Family Advocacy Committee, coordinates the investigation and appropriate courses of action. For cases involving personnel of other agencies, DS/ICI/*SID* coordinates with that agency.
- b. When necessary, DS/ICI/*SID* may dispatch an investigative team to post, which may include criminal investigators and forensic interviewers to conduct the investigation. From the onset of any investigation, DS/ICI/*SID* may coordinate with the U.S. Attorney's office, which may be involved in the prosecution of the case. The Office of Medical Services (MED) may offer and authorize medical evaluations in order to provide for specialized medical or forensic examinations in the United States or other authorized locations.
- c. In the course of an investigation of suspected child abuse DS/ICI/*SID* must have access to personnel records and medical records, to the extent permitted by the Privacy Act, 5 U.S.C. 552a, and the Department's regulations.
- d. At the conclusion of the DS/ICI/*SID* investigation of suspected child abuse, the Family Advocacy Committee continues to consider and coordinate responses to medical, mental health, and other issues, which best serve the needs of the victim(s) and the family of the victim(s), and work closely with the family advocacy team at post.
- e. During the course of or following the conclusion of the investigation of a suspected case of child abuse, the Family Advocacy Committee may recommend medical evacuation of persons covered by the Department's medical program (see 16 FAM 315.1) or may consult with post about curtailment (see 3 FAM 2440). These actions must be handled in accordance with Department policies for medical evacuation, medical clearances, and curtailment (see 16 FAM 315.1; 16 FAM 220; and 3 FAM 2440).

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- f. Where appropriate, the Family Advocacy Committee may recommend using the host country's treatment and counseling resources. The Family Advocacy Committee, in consultation with the post and, where appropriate, the Bureau of Human Resources (HR), recommends the most appropriate course of action based upon the circumstances of each case.
- g. In cases where an employee has violated criminal laws whether in the United States or abroad, the employee is subject to possible disciplinary action or separation (see 3 FAM 4139.8). An employee otherwise may be subject to discipline in accordance with the applicable 3 FAM regulations.
- h. If the Bureau of Diplomatic Security (DS) with the concurrence of the Family Advocacy Committee determines that reported allegations are unfounded and have no factual basis, the matter will be closed and the files annotated. Ultimately, the Family Advocacy Committee determines the disposition of a case at Department headquarters, which allows more consistency in the handling of cases.

3 FAM 1814 CHILD NEGLECT

3 FAM 1814.1 Reporting Child Neglect

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. The Department considers child neglect, as defined in 3 FAM 1811.4, paragraph b, notoriously disgraceful conduct (see 3 FAM 4139.14) and is grounds for taking disciplinary action against an employee. Any supervisor or other management official who is aware of incidents or allegations, which may serve as grounds for disciplinary action against an employee, is responsible for taking action on or reporting such incidents or allegations (see 3 FAM 4322.1).
- b. At post, any person who suspects child neglect should report such information to the family advocacy officer (FAO) at post. The FAO must take the actions required by this section.
- c. At the Department, any person who suspects child neglect should report such information to the *Special Investigations* Division (DS/ICI/*SID*).

3 FAM 1814.2 Post Action and Department Guidance

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. Upon receiving a report or otherwise obtaining information pertaining to a suspected case of child neglect, the family advocacy officer (FAO) must immediately consult with the family advocacy team at post. The family advocacy team must immediately assess and address any health and safety concerns for the child or children. Medical and/or mental health examinations and/or consultations for persons covered by the Department's medical program are to be scheduled promptly with the Foreign Service medical officer (FSMO), where necessary.
- b. A member of the family advocacy team must immediately contact the *Special Investigations* Division (DS/ICI/*SID*) telephonically and then provide an initial written report containing available information, normally within 24 hours. DS/ICI/*SID* is to share such information with the Family Advocacy Committee.
- c. The Family Advocacy Committee assesses the information and provides subsequent guidance to post. Each case of suspected child neglect must be handled on a case-by-case basis, depending upon the nature of the allegations. If the initial report is unsubstantiated or if the allegations do not constitute child neglect, no further action is required. The matter is considered closed and the files are annotated accordingly.
- d. If the initial report is substantiated, action may include one or more of the following:
 - (1) DS/ICI/*SID* may dispatch an investigative team to post;
 - (2) Post may be asked to do follow-up inquiries and interviews;
 - (3) Post may be asked to call upon local child protection resources;
 - (4) The FSMO may be asked to determine whether counseling or other medical services are needed and recommend a treatment plan. If required treatment is not available at post, medical evacuation and/or curtailment of the employee may be considered or ordered; and/or
 - (5) Referral may be made to the Bureau of Human Resources (HR) for disciplinary action.

3 FAM 1815 DOMESTIC VIOLENCE

3 FAM 1815.1 Reporting Domestic Violence

(CT:PER-693; 05-20-2013)

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*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally
Employed Staff)*

- a. Domestic violence can often involve criminal misconduct (e.g., assault, battery, rape) and the Department considers it notoriously disgraceful conduct (see 3 FAM 4139.14). As such, it is grounds for taking disciplinary action against an employee. Any supervisor or other management official who is aware of incidents or allegations, which may serve as grounds for disciplinary action against an employee, is responsible for taking action on or reporting such incidents or allegations (see 3 FAM 4322.1).
- b. In cases where there is evidence or allegations of criminal misconduct, as noted in paragraph a of this section, the *Special Investigations* Division (DS/ICI/*SID*) will coordinate with the Department of Justice and/or U.S. Attorney's office to determine if the actions reported warrant criminal prosecution.
- c. At post, any person who suspects an employee is involved in domestic violence should report such information to the family advocacy officer (FAO) at post. The FAO must take the actions required by this section.
- d. At the Department locations in the United States, any person who suspects an employee is involved in domestic violence should report such information to DS/ICI/*SID*.

3 FAM 1815.2 Post Action and Department Guidance

(CT:PER-693; 05-20-2013)

*(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)
(Applies to All Civil Service Employees, Foreign Service Employees, and Locally
Employed Staff)*

- a. Upon receiving a report or obtaining information pertaining to a suspected case of domestic violence, the family advocacy officer (FAO) must immediately consult with the family advocacy team at post. The family advocacy team must immediately assess and address any health and safety concerns for the victim and the victim's children, if any. Where necessary, promptly schedule with the Foreign Service medical officer (FSMO) medical and/or mental health examinations and/or consultations for persons covered under the Department's medical program. Prompt and accurate recording of medical information, interviews and, when possible, the collection of physical evidence and photographs documenting physical injuries is critical in all cases.
- b. A member of the family advocacy team must immediately contact the *Special Investigations* Division (DS/ICI/*SID*) telephonically and provide, normally within 24 hours, an initial written report containing available information. The Bureau of Diplomatic Security (DS) is to share such information with the Family Advocacy Committee.

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- c. The Family Advocacy Committee assesses the information and provides guidance to post. Each case of suspected domestic violence must be handled on a case-by-case basis, depending upon the nature of the allegations. If the initial report is unsubstantiated or if the allegations do not constitute domestic violence, no further action is required. The matter is considered closed and the files are annotated accordingly.
- d. If the initial report is substantiated, action may include one or more of the following:
 - (1) Post may call upon local authorities or resources in certain cases;
 - (2) DS may dispatch an investigative team to post, and a criminal investigation may be undertaken;
 - (3) DS may coordinate with the cognizant legal authorities about prosecution of the case;
 - (4) Post may be asked to conduct follow-up inquiries and interviews;
 - (5) Post may be asked to call upon shelter and child protection resources or find alternative shelter within the post community for the victim and any children;
 - (6) The FSMO may be asked to determine whether counseling or other medical services are needed and recommend a treatment plan. If required treatment is not available at post, medical evacuation or curtailment of the employee may be considered or ordered;
 - (7) The Family Advocacy Committee may coordinate referrals to crime victim assistance programs specializing in domestic violence and crime victim compensation programs; and
 - (8) DS may refer information to the Bureau of Human Resources (HR) for disciplinary action.

3 FAM 1816 RECORDS IN CHILD ABUSE, CHILD NEGLECT AND DOMESTIC VIOLENCE CASES

3 FAM 1816.1 Maintenance of Records

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

a. At Department headquarters:

- (1) The Office of Mental Health Services (MED/MHS) is responsible for creating a family advocacy case file when it learns of any instance of alleged or

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suspected child abuse, child neglect, or domestic violence involving any person covered by these regulations, whether occurring in the United States or at a post abroad. MED/MHS maintains this file separately from the medical records of the persons involved, except that records about medical, psychiatric and/or mental health examinations and other medical information relevant to future medical treatment of a person involved is also placed into the person's medical record. Records maintained in the family advocacy case file are not included in any electronic medical records system the Office of Medical Services (MED) maintains. These records are maintained and destroyed in accordance with established record disposition schedules; and

- (2) The *Special Investigations* Division (DS/ICI/*SID*) maintains records for each case of reported child abuse as law enforcement records pursuant to its established procedures for maintaining law enforcement records. In some cases, DS/ICI/*SID* also may maintain records for reported cases of child neglect and domestic violence as law enforcement records pursuant to its established procedures for maintaining law enforcement records. These records also are maintained and destroyed in accordance with established record disposition schedules.

b. At post:

- (1) The family advocacy officer (FAO) is responsible for creating a post family advocacy case file for each case of alleged or suspected child abuse, child neglect, or domestic violence arising at post. Such files are held at post in a separate record system that is co-located with post medical records except when the FAO requires use;
- (2) Post forwards copies of all information in post family advocacy case files to MED/MHS for inclusion in the subject's or victim's family advocacy case file; and
- (3) The post family advocacy case file is maintained while the persons involved remain at post and, upon their departure, this file is forwarded to MED.

3 FAM 1816.2 Disclosure of Records

(CT:PER-693; 05-20-2013)

(Uniform State/USAID/Commerce/USDA/and Other Participating Agencies)

(Applies to All Civil Service Employees, Foreign Service Employees, and Locally Employed Staff)

- a. Records in *family advocacy case files* are subject to the protection of the Privacy Act and the Department's regulations. Improper disclosure of information contained in a *family advocacy case file* may be grounds for disciplinary action in accordance with 3 FAM 4300 (Foreign Service) or 3 FAM 4500 (Civil Service).

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- b. Disclosure of records from the *family advocacy case files* may occur in accordance with the provisions of the Privacy Act, 5 U.S.C. 552a(b). Such provisions include disclosure with the written authorization of the subject of the records, to those employees of the Department who have a need to know in the performance of their duties, and pursuant to the Department's published routine uses for the Family Advocacy Records system of records.

3 FAM 1817 THROUGH 1819 UNASSIGNED